FOR MYSORE STATE

D (195 | ) Department.

R1 SERIES.

G.O. NO. 608 38

Dated 7 9 51

[Despatch Abstract.]

Textiles – Mill cloth – Hospet Taluk – Kamplh village
Retailer – M/s Emm Neelappa and Brothers – Appeal
against the orders of the Collector of Bellary in
Re no 268/51 T 1 dated 10-4-1951

Before the Government of Madras

# In ~~the Court of the District Munsiff Hospet~~

BETWEEN PC No of 1951

ವಾದಿ Yenni Neelappa & Bro by partner Y. Venkappa Setty ಪ್ರತಿವಾದಿ

ಶ್ರೀ S. Ashwathanarayana Advocate Hospet ~~ವಕೀಲರು ಹೊಸಪೇಟೆ~~ ಇವರಿಗೆ

ಬಳ್ಳಾರಿ ಜಿಲ್ಲಾ Hospet ತಾಲೂಕು Kampli ಗ್ರಾಮದಲ್ಲಿರುವ

ಬರೆದುಕೊಟ್ಟ ವಕಾಲ್ತುನಾಮೆ ಏನಂದರೆ-- Y. Venkappa Setty for Yenni Neelappa & Bro

ಈ ಕೋರ್ಟು 1951 ಸಂವತ್ಸರದ OPC ನಂಬರು ಲ್ಲಿ ನನ್ನ ಪರ ಹಾಜರಾಗುವುದಕ್ಕೂ ಇದರಲ್ಲಿ ಜರುಗಿಸ
ಬೇಕಾದ ಸಮಸ್ತ ವ್ಯವಹಾರ ಕಾರ್ಯಗಳನ್ನು ನನ್ನ ಪರವಾಗಿ ಜರಿಗಿಸುವದಕ್ಕೂ ನನ್ನ ಸ್ಪೆಷಿಂಡೆಂಟ್ ಮಾಡುವುದಕ್ಕೂ ಅರ್ಜಿ
ಗಳು ವಗೈರೆ ನನ್ನ ಪರ ಹಾಜರು ಮಾಡುವುದಕ್ಕೂ ಇದರಲ್ಲಿ ಆಗಕೋಗುವ ಡಿಕ್ರಿ ಅಥವಾ ಇತರ ಉತ್ತರಗಳ ಅಮಲು ಜಾರಿ
ವಿಷಯದಲ್ಲಿ ಬೇಕಾದ ಕಾರ್ಯಗಳನ್ನು ನಡಿಸುವುದಕ್ಕೂ ಮೇಲ್ಕಂಡ ವಕೀಲರನ್ನು ನನ್ನ ಪರ ನಿಯುಕ್ತಿಸಿಕೊಂಡಿರುತೇ ನೆ
ಇದರಲ್ಲಿ ಆಗಹೋಗುವ ಡಿಕ್ರಿ ಮತ್ತ ಉತ್ತರಗಳು ಫೂರಾ ಫೈನಲ್ ಆಗುವವರೆಗೂ ಅವು ಮುಗಿಯುವವರೆ ಗು ಸುಧ್ಯ ನಡಯಬೇಕಾಗಿ
ಬಿಲ್ಲರ ಪ್ರೊವಿಡಿಂಗ್ಸುಗಳಲ್ಲಿ ನನ್ನ ಪರ ಹಾಜರಾಗಿ ಸಮಸ್ತ ಕಾರ್ಯಗಳು ನಡಿಸುವುದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ನನ್ನ ಗೆ
ಬರಬೇಕಾದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವಾಪಸು ಪಡೆಯುವದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ನನ್ನ ಗೆ ಬರಬೇಕಾದ ಸರ್ವವಿಧವಾದ
ಹಣವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವದಕ್ಕೂ ಮೇಲಿನ ವಕೀಲರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ ಸದ್ರಿ ವಕೀಲರಿಗೆ ಅನಾನುಕೂಲ
ಇದ್ದಲ್ಲಿ ಅವರು ಬೇರೆ ವಕೀಲರನ್ನು ಏರ್ಪಾಟು ಮಾಡಿಕೊಳ್ಳಬಹುದು ನಾನೇ ನಿಷ್ಕರ್ಷ ಮಾಡಿಕೊಂಡು ಫೀಜು ಕೊಡಬೇಹೋದಲ್ಲಿ
ನನ್ನ ಪರ ಸದರಿ ವಕೀಲರು ಕೆಲಸಮಾಡಲು ಬಿಡಬಹುದು.

Yenni Neelappa & Bro by partner
Y. Venkappa Setty

ಈ ವಕಾಲ್ತುನಾಮೆಯಲ್ಲಿ ಬರೆದಿದ್ದನ್ನು ಓದಿಹೇಳಿ ಸರಿಯೆಂದು ಒಪ್ಪಿ ನನ್ನ ಎದುರಿಗೆ ಕ್ರಮವಾಗಿ ಸಹಿ ಮಾಡಿರುತ್ತಾರೆ

ತಾರೀಖು

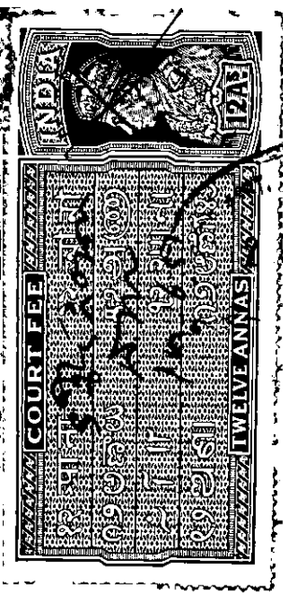
ಉದ್ಯೋಗ Ramanuja

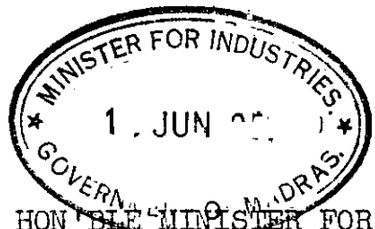
M K A. Hospet
18.4.51.

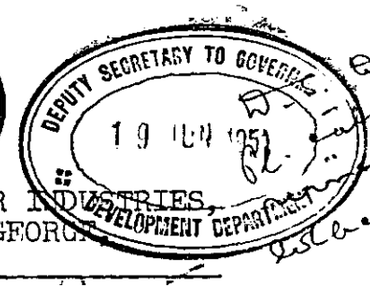
ಆನಂದ ಪ್ರೆಸ್ ಹೊಸಪೇಟೆ

2
1

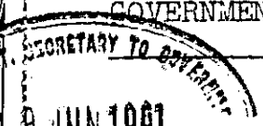
Accepted by me subject to
S. Sashi Kumar
Advocate
Adv. Regd.
25/4/57




BEFORE THE HON'BLE MINISTER FOR INDUSTRIES,
GOVERNMENT OF MADRAS, FORT ST.GEORGE,
MADRAS.




68495

Petition on behalf of Enni Neelappa & Brothers, of Kampli in Bellary District.

Sub:- Textiles - Mill Cloth - Hospet Taluk - Kampli Village - Retailer M/S. Enni Neelappa & Brothers - Appeal against the orders of the Collector of Bellary in Rc. No.268/51 T.I. dated 10-4-51.

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The Petitioner begs to prefer against the Order passed by the District Collector of Bellary cancelling the Textile - Licence of the Petitioner on the following among other grounds:-

1. The Order of the Collector is opposed to law, equity and facts.

2. The learned Collector has been entirely led by the report of the Textile Inspector, Hospet, which report is opposed to facts and onesided. The remark that Venkappa a sold 2.3/8 yards of mill cloth and collected an excess of Rs. 1-2-6 is unjust and is against the bill showing the details of the sales made to two persons. The Textile Officer never examined the bill carefully and never noticed the details on the back of the bill.

3. It is also submitted that in the face of the issue of a bill it is wrong to observe that the dealer has failed to issue a cash receipt. The above facts have been detailed in the explanation offered by the Petitioner on 22nd March 1951, in reply to the notice issued by the Collector on 9-3-1951.

4. The order is wrong and is onesided as the other person mentioned in the bill has not been examined at any

THIRD ASST. SECRETARY TO GOVT.
9 JUN 1951

stage of the enquiry. The learned Collector is wrong in relying on an alleged statement of Venkappa to the Textile Inspector. The said statement and the circumstances under which it was made has been explained in detail in the explanation submitted on 22nd March 1951. The said statement is the result of a conspiracy by other textile dealers at Kapti and the Textile Inspector. A copy of the statement of 22nd March 1951 is herewith produced . Order of the Collector is also herewith enclosed.

5. The charges against the Petitioner have been satisfactorily explained to the Collector. The mention of Basanna is not an after-thought. It could easily have been verified and found correct if the Textile Inspector had cared to look into the bill book and to this particular bill referred to above. The observation in the Textile Inspector report that the Binny transactions is unjust, untrue and uncalled for. It is urged by the Petitioner that it is a mere suspicion on the part of the Textile Inspector based on imaginary grounds.

6. That the Petitioner has not contravened any provision of the Textile Control Order nor has he violated any condition of the Licence.

7. That from 10-4-51 the said business is stopped and the petitioner has suffered imense loss and reputation.

8. That in any case the order of cancelling the Licence is too severe.

9. And therefore request the Government will be pleased to cancel the order of the Collector and to restore the Textile Licence to the Petitioner at an early date.

Encl: 2.
Camp: Madras.
Dated 18th June 1951.

yanni Venkappa

DW M2

Enclosure 6849577/17-1 dd 26/6/17

Referred to the Collector of Bellary for remarks with relevant records which may be sent to the DCE so as to reach Govt before 27.7.17

AS
26/6/17

Collector
26/6/17

To the Collector of Bellary
for the DCE (with Copy of the 3-5 above)

R-D. 27/7/17

Kampli.
22nd March 1951.

From

Yenni Venkappa,
M/S. Yenni Neelappa and Brothers,
Cloth Merchant, (Retail Licence No.433-M.R/48),
KAMPLI.

To

The Collector,
Bellary.

Sir,

Ref:-R.C. No.268/51 T-1 dated 9-3-51.
Hospet Textile Inspector's N.Dis.47/24-2-51.

---

I beg to submit the following explanation to your kind consideration in reply to your notice dated 9-3-51.

on 23-2-51, a person by name Hulugappa and Gandi Basanna came together to our shop to purchase cloth. These two persons together purchased ? and 3/8 yards of shirting cloth (one piece) T.107/292575 - 3/50 @ Rs. 1-3-4 a yard and two pieces of chit cloth of one yard each @ Re.1-0-0 a yard. I prepared a bill for the cloths so purchased. After I gave the bill to Gandi Basanna, he said that 2.3/8 yards of shirting cloth and 1 yard chit cloth was for Hulugappa and that the other 1 yard of chit cloth was for him. Hulugappa paid Rs.4-2-6 for ?.3/8 yards of shirting and 1 yard of Chit - and Gandi Basanna paid the amount for 1 yard of chit Rs. 1-1-?. I wrote the details as mentioned above on the back of the original bill issued to Gandi Basanna and collected the amount. Detailed particulars of the bill are given in the schedule.

An hour later, the Textile Inspector came to my shop with Hulugappa and threatened me saying that I have sold shirting cloth at a higher rate and asked me to sign on a paper. In fear, I signed in the paper as I was asked to do so, by the Textile Inspector. Even to-day, I do not know what the paper contains.

ASST. SECRETARY TO GOVT.
20 JUN 1961

I wish to submit the following facts to your kind notice. I have been dealing in Binny clothes for the last 6 years. I was a dealer in other cloths still earlier. I have never so far sold cloth to anybody at more than controlled price. I have seeb keeping the accounts and stocks correctly. I have not committed any offence so far. My shop was being frequently inspected by the Textile Officials. They have not found fault with my accounts and dealings. No adverse remarks were ever passed against me by the officials. In this particular instance also, it is true that I have collected Rs.4-2-6 for Hulu appa. But this Rs.4-2-6 is the price for 2.3/8 yards of a shirting and 1 yard of Chit purchased by him.

In the circumstances mentioned above, I have not contravened any of the provisions of the Textile Control Order. I pray that my explanation be treated assufficient.

Yours faithfully,

sd/

Schedule.

Bill No. 930 dated 23-2-51 - Duplicate bill copy.

| | | |
|---|---|---|
| T.107 - shirting - 292-575 - 3/50 2.3/8 yards. 1-3-4. ..... | | Rs. 2-13-11. |
| Duty @ 0-0-10 per yard. | | 0- 2- 2. |
| 107. Chit. 361073 - 11/50. 2 yards 1-0-0. | | 2- 0- 0. |
| Duty @ 0-0-8 per yard. | | 0- 1- 4. |
| | | 5- 1- 5. |
| | Bom.S.T. | 0- 1- 0. |
| | Mad.S.T. | 0- 1- 3. |
| | Total. | 5- 3- 8. |

---back of the original bill--

| | |
|---|---|
| | 2-13-11. |
| Duty. | 0- 2- 2. |
| 1 Chit. | 1- 0- 0. |
| Duty. | 0- 0- 8. |
| | 4- 0- 9. |
| B.S.T. | 0- 0- 9. |
| M.S.T. | 0- 0- 0. |
| Rs. | 4- 2- 6. |

| | |
|---|---|
| Chit. 1 yard. | 1-0-0. |
| Duty. | 0-0-8. |
| B.S.T. | 0-0-3. |
| M.S.T. | 0-0-3. |
| | 1-1-2. |

Yours faithfully,
Yamni Nanappa
18.6.51

True copy

R.C. No. 268/51. T.1. Collector's office Bellary
Dated, 10.4.51.

Proceedings of the Collector, Bellary
PresentSri. G.Rami Reddi.B.A..,

Sub:- TEXTILES - Mill cloth - Hospet taluk - Kampli village - Retailer, M/S. Yenni Neelappa & Bros - Selling of mill cloth in blackmarket Explanation to show cause notice - Orders - Passed.

Read:- Hospet Textile Inspector's N.Dis. 47/ 24.2.51.
Daaler's Statement Dated, 23.2.51.
This/Office notice Ref. No. 268/51. T.1. Dated, 9.3.51.
Explanation Dated, 22.3.51 from Sri. Y. Venkatappa, Dealer,
Statement dated, 30.3.51 of Marti Irlugappa of Sindigeri village.

On 23.2.51 the Textile Inspector, Hospet found at Kampli ~~that~~ Sri. Y. Venkappa brother and managing partner of Sri. Neelappa & Bros Retail cloth dealer, having sold 2 3/8 yards of mill cloth to one Hulugappa of Sindigeri viallge in Bellary taluk for Rs. 3/- and thereby collected an excess of Rs. 1.2.6 in contrevantion of clause 24(1) of the Textile (control ) order, 50. The dealer also failed to issue a cash receipt for the above transaction and thereby violated condition 8 of the licence. On a show cause notice issued to him, the dealer denied having committed the offences and cited the name of one Gandi Basavana as being a part perchase of one yard of chinty for Rs. 1.1.2 out of the cloth specified in bill No. 930 dated 23.2.51. Marati Hulugappa who is the buyer in respect of the bill, is an illiterate villager and a stranger to the dealer. On further enquiry he stated that no such persons by name Basanna purchased cloth in company with him on 23.2.51 and that he did not know who Basanna was. On 23.2.51 in his statement before the Textile Inspector, the dealer admitted having sold the cloth for Rs. 4.2.5 without issuing a bill.

The charges against the dealer have been satisfactorily proved. His attempt to wriggle out of his original admission introducing one Basanna in his explanation (to the charges ) is puerile after thought. The Textile Inspectors report moreover shows that the dealers transactions in the Binny cloth are not above board and that there is a strong suspicious that khe has been disposing of cloth in the blackmarket. It is is highly undesireable to have such anti social elements as dealers. The dealers licence is cancelled.

Sd. R.Anniah Naidu
For Collector.

By Order

SBH. 11.4.51. Textile Control Officer

To
M/S. Yemnigi Neelappa & Bros, cloth dealer, Kampli (P.O.)
( BY REGD. POST? A/D. )

Copy to M/S. Gadilingappa Jambanna wholesaler, Bellar for information. He is directed not to issue any quota of cloth to the retailer in future.

Copy to Textile Inspector, Hospet for information.
He should seize the licence and submit it at onee.. He should also see that the unsold stock of cloth with the dealer is listed art and a copy of the list submitted with proposals to transfer the stock to another retailer in consultation with the licence.

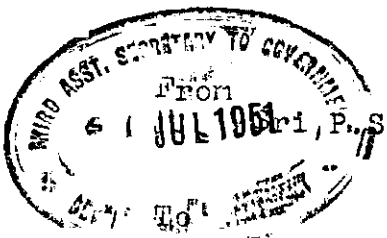
Copy to T.3. for shop file.

Copy to T.1. for Register of punishments.

13

Rc.Bl.77290/51

Office of the
Director of Controlled Commodities,
Mount Road, Madras dt. 25.7.51.



From

Sri. P.S. Viswanatha Ayyar, I.C.S.,
Director of Controlled Commodities. 82545

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

Sir,

sub: Textiles-mill cloth- Hospet taluk-Kampli village- retailers- M/s Enni Neelappa and brothers-appeal against the orders of the Collector of Bellary in Rc.268/51/T1 dt.10.4.51.
ref: Government Endt.No.68495/MI/51-1 dated 26.6.51.

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The report from the Collector of Bellary has not yet been received. He has been reminded on 18.7.51. I shall submit my report on receipt of his reply.

K. Lakshmanan 26/7

ks.23.7

for Director of Controlled Commodities.

26/7 DA Mayne awards d.le 16/8/51

AS 28/7/51 Govt 30/7

26/7

No.Rc Bl/77290/51

Office of the
Director of Controlled Commodities,
Mount Road, Madras, dated 6-8-51.

From

Sri.P.S.Viswanatha Ayyar, I.C.S.,
Director of Controlled Commodities.

To

The Secretary to Government,
Development Department,
Fort Saint George,
M a d r a s.

87763

Sir,

AUG 1951

Sub: Textiles - mill cloth - licence of M/s.Yenni Veelappa and Brothers, Kampli village, Bellary district - cancelled - appeal.

Ref: 1.Government endorsement No.68495 MI/51-1 dated 26-6-51.
2.Report Rc 842/51 T1 dated 10-7-51 from the Collector, Bellary.

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I enclose the report received from the Collector, Bellary with all enclosures in original.

2.In the circumstances reported by him, no interference is called for.

for Director of Controlled Commodities.

knr. 7.8.

R 728/51. T 728/51.

17 / Bellary Collectorate R-29 (5)

From

Sri. G. Rami Reddi. B.A.,
Collector. Bellary.

To

The Secretary to the Govt.,
(Dev.Dept.,) Madras.
" THROUGH "
The Director of Controlled
Commoditiies, M A D R A S

By Regd Post A.D

R.C. No. 842/51. T.1. Dated.10.7.51.

***

Sir,

Sub:- TEXTILES - Mill cloth - Hospet taluk - Kampli village - Retail dealer - M/S. Yenni Neelappa & Bros - L. No. 433 - M(R) - Cancelled - Appeal Petition to Government - Report - Submitted.

***

Ref:- Endt., No. 6895-MI/51-1 Dated, 26.6.51 From the Government of Madras (Dev. Dept.,)

***

THE DIRECTOR OF CONTROLLED COMMODITIES MADRAS 26 JUL 1951

I suomit the following remarks on the appeal petition of M/S. Ye Neelappa & Bros, Retail Cloth Dealer of Kampli village, copy of which was communicated in the Government Endt, cited.

1. In para 2 of the petition it is alleged that the Textile Officer never examined the bill and the entries on the back of it. Attention is invited to the statement of the dealer Sri. Y. Venkappa Setty (brother and partner of Sri. Y. Neelappa.) recorded by the Textile Inspector Hospet, on 23.2.51 wherein it had been admitted that no cash bill was issued to the purchaser. ~~The existence of a bill was issued to the purchaser~~. The existence of a bill with entries of two separate transactions noted on the reverse of the bill was brought to my notice and the notice of the Textile Officer only in the explanation dated, 22.3.51 by the dealer to this office show cause notice dated, 9.3.51. On 30.3.51 the T.C.O. visited sindigeri village of Bellary taluk situated about 30 miles from Kampli and enquired Sri. Marati Huluguppa who was the purchaser of the cloth in question, residing in that village. As this purchaser expressed his ingnorance about his having made any joint purchase with any Basanna by name whose name is cited in para 5 of the appeal petition and as he stated that no cash bill was issued to him, it had to be presumed that Bill No. 930 dated, 23.2.51 was written up by the dealer subsequent to the Textile Inspector's booking of the case and,

(P.T.O.)

and that the duplicate bill was utilised by the dealer for partitioning the transaction to suit his convenience as shown in his explanation. The sale of cloth at excess price made by Sri. Venkappa Setty to Mulugappa who was a ~~xxxx~~ stranger both to Kampli village and the dealer, was therefore held by me to be a fact. The points raised in paras 3 & 5 of the petition are answered in the above para.

As regards his allegation against the Textile Inspector Hospet mentioned in para 4 of the petition, attention is invited to para 3 of the dealer's explanation dated, 22.3.51 wherein the dealer who is an educated man alleges that he signed out of fear of the Textile Inspector Hospet on a white paper. It is a false statement on the very face of it.

The dealer has not put forth any fresh or valid grounds of appeal.

This office file D.Dis. 268/51. T.1 dated, 8.5.51 containing 32 pages is enclosed for favour of perusal and return when no longer required.

FOR COLLECTOR.

S.B.H. 12/7.

( ENCLS. D.DIS. FILE NO. 268/51. Dated 8.5.51. of 32 pages.)

+ Translation of Statements (2 Sheets)

(Page 5. of Y Dis. 268/51, 8.5.1951) (5)

Statement dated 23.2.1951 of Sri. Marati Hulugappa of Sindgeri village before the T. D. Hospet

I belong to Sindgeri village. I have talked at Kampli town for purchasing some cloth presents for my relatives residing at Kotri channapuram in their shop (pointing out at the retail cloth shop of M/s y. Neelappa and Bros. of Kampli) I purchased the cloth now given to your custody. you enquired me at the bus stand how I purchased this cloth. I purchased this cloth for Rs 4-2-6 which I paid to this person (Shamp Venkappa Setty). the dealer told me that the cloth purchased by me was $2+\frac{1}{4}+\frac{1}{8}$ ($2\frac{3}{8}$) yards. When it was measured by the dealer in my presence, the cloth was $2\frac{6}{16}$ yards. the dealer never informed me the price of the cloth per yard. He only said that the piece in question ~~was~~ costed Rs 4-2-6. I paid money. the dealer did not issue me bill. I do not know whether the dealer issues bills or not on silk cloth.

No statement has been read out to me and found to be correct.

Before me. (Sd) T. Marati y Hulugappa.

(Sd) R. Govindarayulu
24/2/51
T. D. Hospet

-/ True Translation /-

b. Narayan
Asst. Commissioner,
Bellary

Exhibit.

20/ (Regs 9.4.19 C.F. No. 268/51).

Statement of Sri. L. Nagaswami Rao, Retail cloth dealer, Kampli.

I was at the bus stand today at about 4 P.m. of today (23-2-51). When you got down from the Hospet bus, and booked the case of excess sale of shirting cloth to Hulugappa and enquired in the matter, I was present. In my presence the said Hulugappa stated before you that he had purchased the cloth for 2 2/16 yds was with him Rs 4-2-6 and that the dealer did not issue the cash bill. When asked to point out the shop, the purchaser showed the cloth shop of your Neelappa of our village. When you enquired Venkappa Setty at Neelappa's shop, he said that he had himself collected Rs 4-2-6 for 2 6/16 yards from Hulugappa. you took to your possession the said cloth of 2 6/16 yds of shirting cloth in my presence. The following marks are stamped on the cloth :-

Calico unbleached shirting, Sree - Excell Rs 1-1-0 per yard. Retail Rs 1-3-4 per yard. Excise 0-0-10 per yard. - Ref - No. 107 - March '50 -

You have paid Rs 4-2-6 to Hulugappa and obtained a receipt in my presence.

" I have read the statement recorded by you and it is correct

(Sd) P. Nagaswami. 23/2/51.

(Party's own handwriting.)

Before me

(Sd) R. Gavida Reddy 23/2/51

Textile Inspector, Hospet

/ True Translation /-

Textile Control Officer

(Pages 7 & 8 Cf. O.S. No. 268/47) 21

Statement of Sri. Yenni Venkappa Setty S/o

Hanumanthappa Setty, partner of Yenni Neelapp

Retail cloth dealer, Kampli,

(Pages 15 & 16 - CF - of Dos. 268/57)

Statement of Sri Marathi Hanligeppa, son of Ramaiah of Hindigeri, dated 30.3.57.

About a month ago, I purchased cloth at Kampli. I purchased in one single shop 2 and 3/8 yards shirting cloth, and 2 yards chintz. I purchased chintz at Rs 1-6-0 per yard and paid Rs 2-12-0 for 2 yards. The shop keeper did not give me the receipt for the transaction. I asked for Hanaun cloth 2 and 3/8 yds and he told me that it would cost Rs 4-2-6 per yards. I gave him Rs 4-2-6. For all the cloth supplied to me, I paid Rs 6-14-6. For the shirting cloth also, he did not give me a bill. No body accompanied me to the shop. I do not know the man, named Gordi Basanna. He did not accompany any. I purchased chintz first and placed in my pocket; and I was holding the other piece in my hand. The Textile Inspector saw this piece of cloth, and asked me where I bought it, and how much I paid for it. I told him that all that had happened - that no bill was given - that I paid Rs 2-6-0 for the shirting cloth. He did not ask me anything more about the cloth. I did not show him the cloth, I did not complain anything to him. I made dresses for my children from chintz cloth. My transaction that there was only upto the extent of Rs 6-14-6. and I paid full amount to the shop keeper and he did not give me the receipt

Attested with L.T. Mark.

Taken down by me. Read over to the party and admitted by him to be correct.

Sd. C. Honayya.

I/c Textile Control Officer

Textile Control Officer, Bellary

98/8/9

Dev II Dept

Sub: Textiles - mill cloth — Bellary District
M/s Emmi Neelappa & Bros. Kamplis.
Village - Cancellation of Licence -
Appeal - orders passed

Ref: From M/s. Emmi Neelappa & Bros. dt 18.6.57
From the Collr. of Bellary Rc. 842/57 dt 10.7.57
From the D.C.C. Rc. B1.77290/57 dt 6.8.57

G.O.Rt.No. 608 dated 7.9.57.

Read the order directing that the order of the Collector of Bellary cancelling the retail mill cloth licence of M/s. Emmi Neelappa & Bros; Kamplis be modified to one of suspension for a period of six months.

2 - M/s. Emmi Neelappa & Bros are referred to the Collector of Bellary for orders on their petition dated

ORDER

Read the petition of M/s. Emmi Neelappa & Bros, Kamplis Village, Bellary Taluk, Bellary District, dated 18.6.57 praying that the order of the Collector of Bellary, cancelling their retail mill cloth licence may be modified to one of suspension for a period of six months.

2. The petitioners were granted a retail mill cloth licence in 1956. On 10.4.57 the Collector of Bellary cancelled the licence on the ground that the petitioners had sold cloth in excess of the quantity allowed under the licence. The petitioners appealed to the Deputy Commissioner, Bellary, who dismissed the appeal on 6.8.57. The petitioners have now come up in revision to Government.

3. The petitioners admit that they had sold cloth in excess of the quantity allowed under the licence. They plead that they had done so in order to meet the demand of the public and that they had no intention to violate the terms of the licence. They also plead that they have been in the business for a long time and that they have not been guilty of any previous violation of the terms of the licence.

4. The Government have considered the petition and the records. They are of opinion that the petitioners have committed a serious violation of the terms of the licence and that the order of the Collector cancelling the licence is justified. They do not, however, consider that the petitioners should be debarred from carrying on the business for a period of six months. They think that the ends of justice will be met if the petitioners are debarred from carrying on the business for a period of three months.

5. In the result, the petition is partly allowed and the order of the Collector of Bellary cancelling the retail mill cloth licence of M/s. Emmi Neelappa & Bros, Kamplis Village, Bellary Taluk, Bellary District, is modified to one of suspension for a period of three months.

By Order and in the name of the Governor of Mysore,

(Sd.) [illegible]
Secretary to Government.

To
The Collector of Bellary (with records returned.)
Do The D.C.C.
Do M/s. Emmi Neelappa & Bros.
Kamplis Village. (Para 2 only)

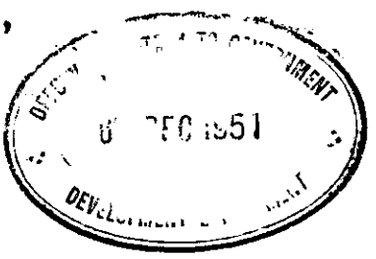
compd. S.M. 10/9/57

Madras, 6th Dec'51.

133174

From

Yanni Neelappa Setty & Bros.,
Cloth Merchant, L.No.433,
Kampli, Bellary Dist.,




To

The Secretary,
Development Department,
Government of Madras.

8/1. 6-12-51

Sir,

Sub: B & C Mills Retail merchant- Licence renewed- Obstacle for the passage by the Collector- Prayer for the removal of obstacle.

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We are the retail cloth merchants for B & C Mill goods at Kampli, Bellary Dist. Due to some misunderstanding our licence was cancelled. Now the Court has decided that we are not guilty and so the Licence is renewed. But the Collector of Bellary is not allowing the goods to come to us through the B & C Mills authorities. The B& C Mills authorities also have written in this connection to you regarding this obstacle.

Hence we humbly request you take in to consideration our matter, and see that our business started as usual as early as possible. The obstacle being removed and the quota to be supplied by the B & C Mills authorities be made to reach us.

Thanking you in anticipation,

Yours faithfully,
Y. Venkappaiah
For Yanni Neelappa Setty & Bros

Dev II Dept

Endn No 133174/II/51-1 dt 13/12/51.
Reported to the Collector of Bellary for remarks before 11/1/52

11-12-51 13/12

To the Collector of Bellary.

Compld SA 17/12

From

Sri. G. Rami Reddi. B.A.,
Collector, Bellary

To
The Secretary to Government
Development Department Fort St. George, Madras.

L.Dis.1941/51. T.1. Dated,26.12.51.

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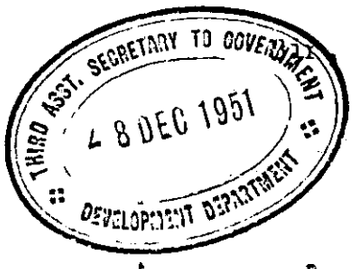
141225




Sub:- Textiles - Mill cloth - Bellary district - Hospet taluk - Kampli village - Retail dealer - M/S.Yanni Neelappa Setty and Bros - Binny quotas - Restoration Appeal to Government - Remarks submitted.

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Ref:- 1. Government Development Department Endorsement No. 133174 MI/51-1 Dated,13.12.51.

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The retail cloth licence of M/S. Yanni Neelappa Setty & Bros. of Kampli village of Hospet taluk was cancelled for blackmarketting in cloth, in this office R.C.No.268/51.T.1. Dated, 10.4.51. The Government were however pleased to modify the above said orders to those of suspension for a period of six months in their G.O.Rt.No.608 Development Department dated, 7.9.51. The statement of the dealer in his petition to the Government referred to me with their endorsement cited, that they were not guilty is incorrect as it is the Government that revised my orders.

The said dealer was also a Binny quota holder. On the cancellation of his licence for the above said offence, the allotment of Binny quotas were also stopped to him and another retailers by name Sri. H. Gangadhara Goud of the same village was appointed in his place on 16.7.51 by the Buckingham & Carnatic Co., on my recommendations.

After the expiry of the suspension period, the said dealer's licence was restored with effect from 14.10.51. But the dealers assumed supposition in his petition to Government that Binny quotas should also be restored to him along with the restoration of his licence after the period of suspension does not follow as the selection of a dealer for dealing in Binny cloth etc., is made with reference to his good reputation and honest dealings.

K. Krishnaswamy
27.12.51
FOR COLLECTOR.

S.B.H. 27/12.

D27.12.51

81/28/1

Dev & I Dept

P.L. Issue
No
28/1/52.

Memo no. 133174 HD/51-2 Date 28-1-52

Sub: Textiles. mill cloth – Bellary Dt
M/s Yanna Neelappa Setty & Bros
Cancellation of licence – Appeal
Restoration of Binny quota

p 3 CP

Ref: From the Collector of Bellary L.Dis
1941/51 d 26.12.51

The Collector of Bellary is requested to state whether the B & C Co Ltd has any objection to continue the appellant as their approved dealer

Compd.
DMS.
29.1.52

To the Collector of
Bellary.

AS
12/1/52

18/1/52

26.1

From

Sri. G. Rami Reddi. B.A.,
Collector, Bellary.

To
The Secretary to Government
Development Department
Fort St., George, Madras.

L.Dis. 273/52. T.1. Dated, 8.2.52. 14692

Sir,

Sub:- Textiles - Mill cloth - Bellary district - Hospet taluk - Kampli village - Retail dealer - M/S.Yanni Neelappa Setty & Bros - Cancellation of licence - Appeal Restoration of Binny quota - Report submitted.

Ref:- Government Development Department Memorandum No. 133174 MI/51-2 Dated, 28.1.52 dated, 28.1.52.

The retail cloth licence of M/S. Yanni Neelappa Setty & Bros of Kampli village of Hospet taluk was cancelled in this office R.C. No. 268/51.T.1. Dated, 10.4.51 for black-marketting in cloth. As they were also the dealers in Binny products, Sri. H. Gangadharagowd, another retailer of Kampli was recommedned to the Buckingham and Carnatic Mills Co., for filling up the vacancy in this office R.C. No. 549/51.T.3. Dated, 12.6.51 and the Company in their letter sales 7/645/MP/223 dated, 16.7.51 agreed to appoint the said nominee.

2. The question of reappointing the appellant for distribution of Binny Products did not arise as a substitute had already been appointed in his vacancy on 16.7.51 before the licence of the appellant was restored in G.O.Rt.No.608 Development Department Dated, 7.9.51. The matter was not therefore referred to the Buckingham and Carnatic Co., nor was it raised by the appellant earlier.

S.B.H. 8/2

D 8252/51

FOR COLLECTOR

A0018
132174 Fee Levied

From

KAMPLI (Bellary Dist)

Dated 13th February 1952

Yanni Neelappa Setty &Bros.
Cloth Merchant, L.No. 433,
KAMPLI ( Bellary Dist)

16763

THIRD ASST. SECRETARY TO GOVERNMENT
15 FEB 1952
DEVELOPMENT DEPARTMENT

To

The Secretary,
Development Department,
Government Of Madras,

MADRAS.

Sir,

Subj: B.& C Mills-Retail Merchant License Renewed- restoration Binny cloth Quota. prayed for.

132174/61

In continuation of our petition dated 6th December 1951 submitted in person at Madras I wish to bring to yoyr notice that, so for no orders have been received restoring the supply of Binny cloth quota. When the license granted to us has been renewed and when supplies of other mill made cloth are made to us, there seems to be hardly any justification in withholding supplies of Binny cloth quota.

In this connection we learn that the Collector of Bellary, is placing obstacle in the way. When the Government are pleased to uphold our appeal and have passed orders restoring the cloth license which stood cancelled, this action of the Collector of Bellary in recommending the stoppage of only Binny clothx is not actuated by good motives.

Hence we humbly request the Government pass orders directing Messrs. Binny & Co., Ltd. Madras to make regular allotments of cloth as they used to do before, on grounds equity, fair play and justice.

For which act fo kindness we will be highly obliged

Yours faithfully.

Y Venkappa Setty

For Yanni Neelappa Setty & Bros

Pl. issue
1.3.52

10/4/3

Development (MI) Department.

MEMORANDUM.No. ~~133174/57~~ 133174 only/57-3 dated 1-3-52.

Sub: Textiles - Mill cloth - Bellary. district -
M/s Yanna Neelappa Selly + Bros. Cancellation
for restoring B+C quota
of licence - Petition - Rejected.

Ref. From M/s. Yanna Neelappa Selly + Bros. dt 6.12.51

From the Collector of LDis.273/52-T1 dt 8.2.52
~~From the D.C.C.~~.

The petition is rejected.

To M/s Yanna Neelappa Selly + Bros, 1.3.52
Cloth dealers, Kampli.
Bellary Dt

To the Collector of Bellary.
~~To the D.C.C.~~

(Cn. 6849-171/57) Dev n: Dept

Sub: Textile - mill cloth - Bellary District
M/s. Emni Neelappa & Bros. Kampli
village - Cancellation of licence -
Appeal.

up 1-11 CF Ref: from M/s. Emni Neelappa & Bros., dt 18.3.57.
p: 17-21 CF from the Coll. of Bellary RC. 824/57 dt 10.7.57
p 15 CF from the D.C.C R.C. Bl. 77290/57 dt 6.8.57

Do As.

p: 1-21 CF The current file may be perused.
On 23.2.57 the Textile Inspector
Hospet went to Kampli village and
on allegation from the bros. found
p1 CF (R) a villager Marathi Hatangappa sold
D.R. 2687/57 a piece of mill shirting cloth. On inquiry
dt 8.5.57 gating him, the villager said that
he purchased it for Rs. 4:2:6 and
that the dealer did not give him
a cash bill for it. The Textile
Inspector told the villager will show
do and the villager showed the shop of
M/s. Emni Neelappa & Bros. Kampli, as the
shop from which he bought the cloth
and identified Sri Venkappa, brother of
Sri Neelappa as the person who sold the
the cloth. The dealer admitted the
facts and stated that he sold them
2 6/16 yds of cloth @ Collected Rs 4.2.6, &
that he did not give a cash bill.
p2 CF (R) The Textile Inspector recorded statements
pp 1½-9 CF (R) from the villager, Marathi Hatangappa, & also
Translation the dealer Sri Venkappa in the presence
p: 19-21 CF of one Sri Nagaswami, a retail
cloth dealer of that place.
p11 CF (R) The Collector framed charges against

the dealer and directed them to show cause why the retail license should not be cancelled for this irregularity. p11 sg(R)

The dealer however explained that Halesappa came with another person by name Gandhi Basanna who together purchased two bits of Chintz cloth of one yard each at Re. 1:0:0 a yard along with the shirting cloth in question, and that Halesappa paid Rs 4.2.6 for the shirting cloth & one yard of chintz cloth and the bill, which contained all the items was delivered to Gandi Basanna. p13 CF 9(R)

In order to verify this statement, the T.P.O visited on 30.3.57 Sri Halesappa and he stated that he first purchased 2 yds of chintz from the same shop at Re. 1:6:0 per yard and paid the dealer Rs 2-12 0. separately for it. He kept the cloth in his haired bags and then purchased the shirting cloth in question for Rs 4:2:6. and thus in all he paid Rs 6.14.6. and did not receive any bill. He also stated that he did not know who Gandi Basanna was. When he was questioned as to why he did not inform the Textile Inspector about this purchase of Chintz cloth, he stated that he kept the Chintz cloth inside his bag, and as the Textile Inspector did not see it, he did not question him about that cloth and he also did not take the initiative to report about it. p5 NF 9(R) —do— —do—

Translated

The dealer having admitted in para 2 of his statement before the Textile Inspector

tried to wriggle out by introducing one Gandi Basanna. From the statement of Sri Halesappa, p 22 cf ~~[illegible]~~ and also from his own admission it was proved that the dealer sold the sheeting cloth at Rs 4:2:6 while the controlled rate was about Rs 3:0:0 only. The Collector of Bellary considered that it was highly undesirable to have such anti-social elements as dealers and cancelled the dealers licence. p 6 NF of (R)

The appeal petition against the order of the Collector of Bellary. In the appeal petition the petitioner has stated that he issued bill no 930 dt 23:2:57, according to which he credited Rs 4:2:6 from Halesappa and Rs 1:1:2 from Gandi Basanna for the cloth sold thereon and has issued a single bill to Gandi Basanna stating the details on the reverse of the bill. The dealer has stated that the statement of Halesappa is the result of the conspiracy by these textile dealers at Kampli. p 3-5 CF

The Collector of Bellary has stated that the dealer admitted in his original statement of having sold the cloth at excess price and not issued a cash bill. The existence of a bill with entries of two separate transactions was brought to notice and in his explanation to the show cause notice and in order to verify this, the T.P.O. visited Sindhigeri village and found that Maruthi Hulesappa who purchased the p 17 CF

do

saarig clth ni qustrai + alsd nsl
make any joint purchase with any
Basanna as stated by the dealer p17 CE
in his explanatrai. The Collector
Considered that his bill 930 dt 23.2.87
was written up by the dealer subsequent
to the Textile Inspectors bringing the case to do
and the duplicate bills was utilized
by them to suit his convenience for partitioning
the transactrai as shown in his explanatrai
It is submitted that the statement
given by the dealer before the Textile Inspector p/7-8 CE
on 23.2.87 is written in Telugu and (R)
the dealer admitted the excess sale and
non issue of bills. It cannot be said now
that he was ignorant of the contents of the written
statement. The allegatrai that he
signed the statement out of fear of the
Textile Inspector cannot also be
accepted. It is proved that the
introductrai of one Gandi Basanna
in his explanatrai is an after Thought. This appears to be a
clear case of blackmarketing. The ? p/2-3 NP of (R)
questrai of prosecuting the dealer was
examined by the Collector and as
there was no independent witness to
corroborate the principal witness, the dealer
was not proceeded against. Hence the
Collector has taken departmental actrai
against the dealer by Cancelling his licence.
From the report of the Collector of Bellary p 17 CE
and also the records submitted by them (R)
there appears to be no case for
interference by Govt. Selling
cloth at an excess rate and

6895
20
24/8

5.

failure to issue cash bills are serious offences which should not be tolerated. For orders whether the petition may be rejected

AS 21.8.57 2187

DS 22.8.57

The detailed finding of Parliament in Tilonia admitted of 23.2.57 admitted work had ceased not in dispute. Subsequently the book fabricated here. Mere stay is evidence of a guilty mind seeking an escape.

The petition may be rejected.

28/8 HM (Law)

The licence may be suspended/cancelled for a period of six months.

28/8

To AS.

A draft order is subd. for approval

29/8/57 6957

SECRETARY TO GOVERNMENT
20 AUG 1951
DEVELOPMENT DEPARTMENT

Dev ni Dept

Sub. Textiles - mill cloth - Bellary Dt
: M/s Yanni Neelappa Selig & Bros
Cancellation & licence - Appeal.
Restoration of 73 & C quota

Ref: From Yanni Neelappa Selig & Bros dt 6.12.57
From the Collector of Bellary LDis 1941/57 T1
dt 26.12.57
Memo no 133174 ni 57.2 dt 28.1.58
From the Collector of Bellary LDis 273/58 T1
dt 8.2.58

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Jo Af

The counsel for the appellant-
pensed.

In pursuance of the Govt. order in G.O.Rt. No. 6048 dt. 7.9.57 the Govt. modified the order of the Collector of Bellary cancelling the retail licence of the appellant-firm and suspension for a period of 6 months. After the period of suspension the Collector of Bellary has restored the licence of the appellant only in respect of general mill cloth and did not restore the B & C cloth quota, which the appellant was getting prior to cancellation of his licence. The petitioners Counsel

of that in as much as the licence was restored by Govt after the period of Suspension, he is entitled to the Quota of B+C mill also.

The Collector of Bellary has replied that when the appellant's licence was cancelled by him, the made arrangements to appoint a substitute in his place and the B+C Co. also agreed to supply their Clerk to the nominee of the Collector. The Collector considers that restoration of his licence after the period of suspension does not follow that he should get the B+C Quota as well.

The Collector of Bellary was required to ascertain from B+C Co. whether they have any objection to return the appellant as one of their dealer But the Collector seems to say that the question of reappointing the appellant for distribution of B+C Cloth did not arise as a substitute

had already been applied and that the "B+C Co. was not referred to.

It appears that the Collector's argument does not seem correct. When a licensee was enjoying both general mill cloth quota + B+C quota for a cancellation of licence, the latter cannot be given (only) for a part of it when the licence is restored, but on the other hand it has to be restored in full unless otherwise (specifically) stated in the order restoring the licencee. It therefore appears that the appellant is entitled to the B+C quota which he was obtaining for his cancellation of licence.

Submitted for orders whether the Collr may be asked to restore the B+C quota also

SECRETARY TO GOVERNMENT
25 FEB 1952
DEVELOPMENT DEPARTMENT

When once a dealer does/has contravenes the provisions of the control order and is punished therefor he should thank his stars for whatever concessions he gets thereafter. He cannot claim anything as due to him. The Petn may be rejected

DEPUTY SECRETARY TO GOVERNMENT
25 FEB 1952
DEVELOPMENT DEPARTMENT

2025 2 21.2.52 H.M. (Ind)

4

A draft Memo is submitted req. for orders on pp 3 above. Afterwards the papers may be added to the G.O. at (k).

29/4/52 — 08/1302

(Issued as Memo No. 133176 HI/51-3 dt/ 1-3-52)